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Attorney for Defendants IRWIN INDUSTRIAL TOOL COMPANY, INC.
and THE HOME DEPOT, INC. and Third-Party Plaintiff BERNZOMATIC

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA – SAN DIEGO

ANDREW SHALABY, an individual, and SONIA
DUNN-RUIZ an individual,

Plaintiffs,

vs.

IRWIN INDUSTRIAL TOOL COMPANY, THE
HOME DEPOT, INC., and DOES 2 through 100,
inclusive,

Defendants.

BERNZOMATIC,

Third Party Plaintiff,

vs.

WESTERN INDUSTRIES, INC.,
WORTHINGTON INDUSTRIES, AND ROES 2
through 100, inclusive,

Third Party Defendants.

Case No.: 07-CV-2107 W BLM

**NOTICE OF MOTION AND
MOTION FOR LEAVE TO
DESIGNATE EXPERT WITNESS
JASON LUSK**

Judge: Hon. Thomas J. Whelan
Magistrate Judge: Hon. Barbara Major

**Date: October 2, 2008, 9:00 am
Courtroom: A
No Appearances By Counsel
Required**

Mand. Settlement Conf: October 14, 2008
Pretrial Conference: January 12, 2009

**[Filed In Compliance With Briefing
Schedule Ordered By Court]**

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 YOU ARE HEREBY NOTIFIED THAT on October 2, 2008 at 9:00 am, the Court will
3 consider Defendants Irwin Industrial Tool Company, Inc. and the Home Depot, Inc. and Third-
4 Party Plaintiff Bernzomatic's (the "Bernzomatic Defendants") motion for leave to designate
5 Jason Lusk as an expert witness in this matter. Unless the Court directs otherwise in advance, no
6 personal appearances are required on October 2, 2008.

7 This motion is made on the basis that good cause exists for the grant of leave to designate
8 Jason Lusk as an expert witness in this matter.

9 This Motion is based on this Notice of Motion, the accompanying Memorandum of
10 Points and Authorities, the Declaration of Shelley G. Hurwitz, filed herewith, the pleadings,
11 records and papers filed herein, and upon such other and further oral and documentary evidence
12 as the Court may consider.

13 Dated: September 12, 2008

HOLLAND & KNIGHT LLP

14
15 /s Shelley G. Hurwitz
SHELLEY G. HURWITZ
16 Attorney for Defendants
IRWIN INDUSTRIAL TOOL COMPANY, INC.
17 and THE HOME DEPOT, INC. and Third-Party
Plaintiff BERNZOMATIC
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Andrew Shalaby v Newell Rubbermaid, Inc., et al.
United States District Court, Southern District of CA (San Diego)
Case No. 3:07-cv-02107-W-POR

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